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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,898	01/31/2001	William Edward Jennings	1700.102	8219

21176 7590 07/14/2004

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EXAMINER

JACKSON, ANDRE K

ART UNIT	PAPER NUMBER
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2856

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

### Application No.

09/773,898

### Applicant(s)

JENNINGS ET AL.

### Examiner

André K. Jackson

### Art Unit

2856

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9 and 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 9 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Regarding claims 9 and 16, the claims were amended to allowable subject matter from the previous Office action 12/23/03. However, the amended claims contain unclear terms. For instance it is unclear if the cap and the closure are the same or two different parts. The claims recite a cap and said closure. Are the cap and the closure the same or different parts of the apparatus?
4. Claims 9 and 16 recites the limitation "the closure" in lines 4-6 and lines 6,7 and 10 respectively. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strauss et al. in view of Sadler et al.

Regarding claim 9, Strauss et al. discloses a pressure-resistant vessel that is transparent to microwave radiation a closure for the vessel; a pressure transducer external to the vessel and the closure (Figure 1). Strauss does not disclose a needle for extending from the transducer, through the cap and into the vessel and for providing pressure communication between the interior of the vessel and the transducer and a collet for engaging and maintaining the transducer, the needle, the closure and the vessel in linear relationship by exerting a radial force inwardly against the vessel and an axial force linearly against the cap so that the pressure in the vessel is transmitted to the transducer while the vessel is in use. However, Sadler discloses a needle for extending from the transducer, through the cap (108) and into the vessel and for providing pressure communication between the interior of the vessel and the transducer and a collet (sleeve, 40) for engaging and maintaining the transducer, the needle, the closure and the vessel in linear relationship by exerting a radial force inwardly against the vessel and an axial force linearly against the cap so that the pressure in the vessel is transmitted to the transducer while the vessel is in use (Figure 8). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Strauss et al. to include a needle for

extending from the transducer, through the closure and into the vessel and for providing pressure communication between the interior of the vessel and the transducer and a collet for engaging and maintaining the transducer, the needle, the closure and the vessel in linear relationship by exerting a radial force inwardly against the vessel and an axial force linearly against the cap so that the pressure in the vessel is transmitted to the transducer while the vessel is in use. By adding these features the user would be able to provide a constant link for observing the pressure within the vessel.

Regarding claim 16, Strauss et al. discloses a pressure-resistant vessel that is transparent to microwave radiation a closure for the vessel; a pressure transducer external to the vessel and the closure (Figure 1). Strauss does not disclose a needle for extending from the transducer, through the cap and into the vessel and for providing pressure communication between the interior of the vessel and the transducer and a collet for engaging and maintaining the transducer, the needle, the closure and the vessel in linear relationship by exerting a radial force inwardly against the vessel and an axial force linearly against the cap so that the pressure in the vessel is transmitted to the transducer while the vessel is in use. However, Sadler discloses a needle for extending from the transducer, through the cap (108) and into the vessel and for providing pressure communication between the interior of the vessel and the

transducer and a collet (sleeve, 40) for engaging and maintaining the transducer, the needle, the closure and the vessel in linear relationship by exerting a radial force inwardly against the vessel and an axial force linearly against the cap so that the pressure in the vessel is transmitted to the transducer while the vessel is in use and a means for urging the septum towards the vessel while urging the vessel towards the transducer (Figure 8). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Strauss et al. to include a needle for extending from the transducer, through the closure and into the vessel and for providing pressure communication between the interior of the vessel and the transducer and a collet for engaging and maintaining the transducer, the needle, the closure and the vessel in linear relationship by exerting a radial force inwardly against the vessel and an axial force linearly against the cap so that the pressure in the vessel is transmitted to the transducer while the vessel is in use and a means for urging the septum towards the vessel while urging the vessel towards the transducer. By adding these features the user would be able to provide a constant link for observing the pressure within the vessel. Strauss et al. do not disclose a penetrable septum for receiving the needle there through while maintaining; a pressure seal to the vessel. However, Sadler discloses a closure having a penetrable septum for receiving the needle there through while maintaining; a pressure seal to the vessel (Figure 8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Strauss et al. to include a closure having a penetrable septum for receiving the needle there through while maintaining a pressure seal to the vessel. By adding this feature the user would be able to provide a constant pressure seal on the vessel. Neither Strauss et al. nor Sadler discloses where the septum is formed of a material selected from the group consisting of butyl rubber and siloxane polymers. However, it is well within the purview of the skilled artisan to make the membrane of a particular resilient material to hold its form. Strauss et al. do not disclose a means for securing the septum against pressure developed in the vessel. However, Sadler discloses a means for securing the septum against pressure developed in the vessel (Figure 8). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Strauss to include a means for securing the membrane and the closure against pressure developed in the vessel during a chemical reaction. By adding this feature the user would be able to avoid leakage from the vessel.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to André K. Jackson whose telephone number is (571) 272-2196. The examiner can normally be reached on Mon.-Thurs. 7AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A.J.

July 9, 2004

HELEN KWOK  
PRIMARY EXAMINER

